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01-04: SENATE BILL 894

To: All Licensed Missouri Title Insurers, Agents and Agencies

From: Scott B. Lakin, Director of Insurance, State of Missouri

Re: Senate Bill 894, 90th General Assembly

Date: August 20, 2001

During the 2000 legislative session, Senate Bill 894 was enacted which contained substantial revisions to Chapter 381, the Missouri Title Insurance Act. On June 28, 2001, Senate Bill 894 was declared unconstitutional by the Circuit Court of Cole County, State of Missouri. Specifically, the Court found that the title of Senate Bill 894 was overly broad and that the bill contained multiple subjects in violation of Article III, Section 23 of the Missouri Constitution, which concerns legislative procedures. In addition, the Court held that Senate Bill 894 was unconstitutionally enacted because amendments were made to the bill which changed the bill's original purpose in violation of Article III, Section 21 of the Missouri Constitution. The Circuit Court's judgment has been appealed by the Missouri Attorney General's office to the Missouri Supreme Court.

Under the Missouri Supreme Court's decision in *Missouri Ins. Co. v. Morris*, 255 S.W.2d 781 (Mo. 1953), as a general rule, whenever a new law is determined to be unconstitutional, the prior law which the new law repealed and replaced remains in force, unrepealed. As such, all title insurers, agents and agencies should govern themselves by the Missouri Title Insurance Act (Chapter 381) in effect immediately prior to the passage of Senate Bill 894. Interested parties may access a copy of the **Chapter 381 in effect prior to the enactment of Senate Bill 894**. Should you have any additional questions, please contact the **Property and Casualty Section** ✉ at (573) 751-3365.

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